

AFFIDAVIT

I, Cara D. McBrayer, being duly sworn, do hereby depose and state that:

1. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510 (7) of the Title 18, United States Code, that is, an officer of the United States who is empowered by the law to conduct investigations of and to make arrests for, the offenses enumerated in Section 46504 of Title 49, United States Code.

2. I am a Special Agent (SA) for the Federal Bureau of Investigation (FBI), and have been so employed since June 2009. I am currently assigned to investigate violent crimes (VC). I have personally participated in this investigation leading to the information contained in this affidavit either through personal investigation or through discussions with other law enforcement personnel.

3. I have specialized training and/or experience in the area of VC. During my time as a SA with the FBI, I have participated in VC investigations as the primary investigator or in a subsidiary role. I am familiar with activities associated to VC.

4. The information in this Affidavit is based on interviews and information obtained from cooperating persons involved in the investigation, information received from other law enforcement agents, my experience and training, and the experience of other agents.

5. This affidavit is made in support of a criminal complaint charging Roman Lyakhov, Egor Kupryakov, Sofiya Birzhina and Ekaterina Legoshina with violation of 49 United States Code, Section 46504.

6. Because of the Affidavit's limited purpose of establishing probable cause, it does not contain all of the facts known to me or other law enforcement officers about the investigation.

7. On March 29, 2012, Lyakhov, Kupryakov, Birzhina and Legoshina boarded a Delta

Authorized by USA Cara McBrayer

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airplane flight, number 315, to San Juan, Puerto Rico at John F. Kennedy airport in New York at approximately 1:20 pm. Prior to boarding the plane they complained about their seating arrangement in business class. They initially were assigned to sit in seats 1A, 1B, 1D, and 4A. Lyakhov, Kupryakov, Birzhina and Legoshina were told at the gate that they were unable to sit together; however, they boarded the plane and opted to sit in seats 1A, 1B, 1C and 1D. Upon boarding, one of the passengers on the plane, Gregory Johnson, would not change his seat in 1D. Another passenger in the fourth row was persuaded to change his/her seat in order for Kupryakov and Legoshina to sit together in the fourth row and allowing Lyakhov and Birzhina to sit together in the first row. Because Johnson refused to change his seat prior to the plane's takeoff, Lyakhov and Johnson continued to exchange words during the course of the flight. Lyakhov and Johnson eventually got into a verbal altercation with one another.

8. During the flight, dinner was served. Legoshina was served her dinner and complained that she was not able to choose from all of the dinner options and was disgusted at the appearance of the meal. She asked the flight attendant if she was supposed to "eat like a pig". The flight attendants were unable to offer a different meal to Legoshina. Kupryakov and Legoshina asked the flight attendant for her full name and the flight attendant refused to provide that information. Upon refusal of the flight attendant to provide this information, Kupryakov and Legoshina began taking photographs of the flight attendant with a cellular phone on their person.

9. During the duration of the flight, Lyakhov, Kupryakov, Birzhina and Legoshina remained out of their seats and in the aisles. They sat on the armrests of the chairs in the business class section and would not sit in their seats at the request of the flight attendants. They also participated in gross public displays of affection, described as "having sexual intercourse with clothes on". Another passenger asked Lyakhov, Kupryakov, Birzhina and Legoshina to stop their

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public displays to no avail.

10. Kingsley Roberts, Captain of the plane, made approximately six public announcements via the airplane's intercom for the passengers to sit in their seats and fasten their seatbelts, however, Lyakhov, Kupryakov, Birzhina and Legoshina refused. The four individuals remained "boisterous" and "aggressive" and the flight attendants were afraid of how the situation would escalate with no control of the passengers. Three of the four flight attendants monitored the business class cabin, leaving one flight attendant to support the rest of the aircraft because of the refusal of the individuals to follow directions given by the flight crew. Roberts and Stuart Kraner, First Officer of the aircraft, discussed the possibility of diverting the aircraft to another location in order to land the plane, however decided to continue on to San Juan, Puerto Rico. Roberts and Kraner posted another uniformed pilot traveling on the flight to stand at the door of the cockpit to guard the cockpit during the course of the flight.

11. After the plane landed, Roberts made his last announcement over the intercom disclosing that authorities were meeting the airplane at the gate and to have every passenger remain in their seat. Roberts left the plane in order to meet the authorities and Kraner observed Lyakhov as the only person standing in the aisle, attempting to remove his bag from the overhead compartment. Kraner told him to sit in his seat, Lyakhov "smirked and said 'sit down?'" and Kraner again sternly told Lyakhov to sit in his seat, to which Lyakhov sat down. The four individuals were escorted off of the plane and continued to laugh and talk with each other even after being escorted off of the plane and separated from the rest of the flight in the terminal. During the duration of the flight, Lyakhov, Kupryakov, Birzhina and Legoshina did knowingly interfere with the performance of the duties of the flight crew members and lessened their ability to perform the necessary duties by refusing to follow air crew commands and directions by using intimidating

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behavior.

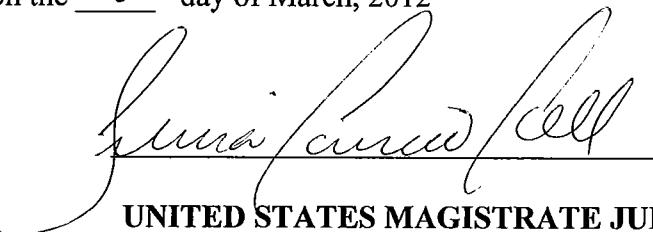
12. I hereby declare that the foregoing is true and correct pursuant to the investigation conducted in this investigation.



Cara D. McBrayer

Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on the 30 th day of March, 2012



UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO